

CLERK OF COURT  
FEDERAL BUILDING  
1000 FEDERAL STREET  
BOSTON, MA 02110  
TELEPHONE 617-542-1000  
FAX 617-542-1001  
WWW.COURTCLERK.MA.GOV

FILED -2 APR 13

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-12393MLW

TRICORE, INC.

VS.

SAFECO INSURANCE COMPANY OF  
AMERICA AND R. P. IANNUCCILLO &  
SONS CONSTRUCTION CO.

APRIL 29, 2005

**MOTION FOR ENLARGEMENT OF TIME TO PLEAD (WITH CONSENT)**

Pursuant to Fed. R. Civ. P. 6(b), the Defendant and Counterclaim Defendant, Safeco Insurance Company of America, respectfully moves the Court for an extension until **May 19, 2005** within which to file a pleading in response to Counterclaim Plaintiff's, R.P. Iannuccillo & Sons Construction Co., ("RP Iannuccillo") Counterclaim dated January 10, 2005.

An extension of time to respond to the Counterclaim is necessary because the unique circumstances surrounding the present action, mainly the fact that Safeco issued two sets of construction surety bonds identifying the Plaintiff, Tricore, Inc., and Defendant, RP Iannuccillo, as Bond Principals. As a result of RP Iannuccillo's Counterclaim, Safeco was required to retain separate counsel, the undersigned, to defend in its interests with respect to the Counterclaim. The undersigned was not retained until April 28, 2005.

Counsel for RP Iannuccillo consents to the granting of this Motion for Enlargement of Time to Plead.

**WHEREFORE,** Defendant and Counterclaim Defendant, Safeco Insurance Company of American, respectfully moves the Court for an extension of time until May 19, 2005 to respond to the Counterclaim.

DEFENDANT / COUNTERCLAIM  
DEFENDANT  
SAFECO INSURANCE COMPANY OF  
AMERICA

By: 

Dennis C. Cavanaugh, Esq. of  
BROWN, RAYSMAN, MILLSTEIN,  
FELDER & STEINER  
BBO # 639556  
CITYPLACE II, 10<sup>TH</sup> FLOOR  
185 Asylum Street  
Hartford, CT 06103  
(860) 275-6400

**CERTIFICATION**

This is to certify that on April 29, 2005, a true and accurate copy of the foregoing was mailed to the following counsel of record:

**Edward D. Kutchin, Esq.**  
**Kerry R. Northup Esq.**  
Kutchin & Rufo, P.C.  
155 Federal Street, 17<sup>th</sup> Floor  
Boston, MA 02110-1727  
(617) 542-3000

**David M. Campbell, Esq.**  
Visconti & Boren, Ltd.  
55 Dorrance Street  
Providence, RI 02903  
(401) 331-3800

**Bradford R. Carver, Esq.**  
**Jonathan C. Burwood**  
Cetrulo & Capone LLP  
Two Seaport Lane, 10<sup>th</sup> Floor  
Boston, MA 02110  
(617) 217-5500

  
Dennis C. Cavanaugh, Esq.